

Sweet

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

AXION POWER INTERNATIONAL, INC.,
WILLIAM AND TRACY AHEARN, h/w,
SALLY FONNER, and
JAMES SMITH, M.D.

Plaintiffs

-against-

MERCATUS & PARTNERS, LTD.,
BANCA MB S.p.A.,
DWIGHT PARSCALE,
STEPHANO CEVALO,

Defendants.

CIVIL ACTION
NUMBER

07 CV 11493 (*RWS*)

NOTICE OF
DISMISSAL
WITHOUT
PREJUDICE
Fed .R.C.P.
41(a)(1)(A)(i)

PLEASE TAKE NOTICE:

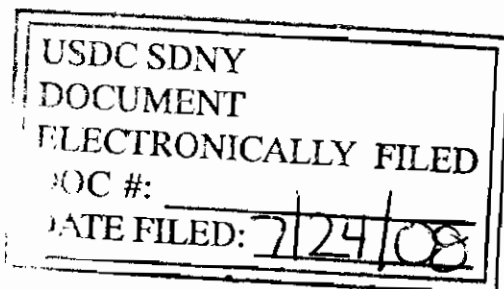
Plaintiffs, Axion Power International, Inc., William and Tracy Ahearn, h/w, Sally Fonner, and James Smith, M.D., dismiss, without prejudice, the action as to Defendant, Cari Masi a/k/a Cary Masi., pursuant to Fed.R.C.P. 41(a)(1)(A)(i).

Respectfully submitted,

[Signature]
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Dated: July 16, 2008



[Signature]
JUDGE